

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Sandra Park Road, 47' SW
of the c/l of Sandra Lake Road
(9223 Sandra Park Road)
11th Election District
5th Councilmanic District
Nick J. Proakis, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-132-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Nick J. and Koula I. Proakis. The Petitioners request relief from Sections 1802.3.B (211.3), and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the minimum required 8 feet and a sum of the side yards of 10 feet in lieu of the minimum required 20 feet for a proposed open carport in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of November, 1992 that the Petition for Administrative Variance requesting relief from Sections 1802.3.B (211.3), and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the minimum required 8 feet and a sum of the side yards of 10 feet in lieu of the minimum required 20 feet for a proposed open carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The proposed carport shall remain open on the three exposed sides. In no event shall the carport be enclosed.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning & Planning
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

November 24, 1992

(410) 887-4386

Mr. & Mrs. Nick J. Proakis
9223 Sandra Park Road
Perry Hall, Maryland 21128

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Sandra Park Road, 47' SW of the c/l of Sandra Lake Road
(9223 Sandra Park Road)
11th Election District - 5th Councilmanic District
Nick J. Proakis, et ux - Petitioners
Case No. 93-132-A

Dear Mr. & Mrs. Proakis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

file



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9223 Sandra Park Road
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.B (211.3), 301.1 To allow a side yard setback (from an open carport) of 1 ft. and a sum of side yard setbacks of 10 ft. in lieu of the minimum 8 ft. and 20 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

SEE ATTACHMENT A

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person/Person

(Type or Print Name)

Signature

Address

City

State

Zip Code

Phone No.

City

State

Zip Code

Phone No.

Legal Owner(s)
Name(s) of the property owner(s) as it appears on the tax map of the property.

Nick J. Proakis

Koula I. Proakis

9223 Sandra Park Road 256-8189

Perry Hall Maryland 21128

Same

Same

Same

Same

Same

Same

Same

RECEIVED BY: LES DATE: 10-23-92

ESTIMATED FILING DATE: 11-8-92

ITEM # 143

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 9223 Sandra Park Road
Perry Hall Maryland 21128
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate variance or practical difficulty)

SEE ATTACHMENT A

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Nick J. Proakis
Signature
Nick J. Proakis
Type or Print Name

Koula I. Proakis
Signature
Koula I. Proakis
Type or Print Name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 20th day of October, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinbefore set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10-20-92

Ante C. Dunlap
My Commission Expires: Aug 25th, 1996

ATTACHMENT A

1. Pursuant to the existing zoning classification DR 5.5, a dimensional type of variance is required for the construction of a carport attached to the existing dwelling. It is intended that the carport will be open on three sides, its height will be less than the existing dwelling, and is intended to cover a concrete parking area which is currently permitted.
2. Due to existing regulations there is a "practical difficulty" in constructing the carport because of the minimum required width of the side yard. Although the concrete parking area is permitted, the sideyard minimum does not allow the area to be covered.
3. No changes in permitted used will result by granting a variance to allow for construction of the carport and cover the parking area, as stated.
4. Granting a variance will not result in any substantial detriment to the public good, will not harm the surrounding area, and will not substantially derogate from the intent and purpose of the ordinance. In support of this (a) a variance was granted for construction of a carport at 9106 Sandra Park Road, case no. 83-122A, (b) attached is a letter from Mr. Joseph Gallagher, owner of the property adjacent to the side of the property where the variance is requested for the carport, and (c) a concrete parking area (although not covered) has been constructed by the owner of the property adjacent to the other side of the lot, which parking area is similar to the area to be constructed on this lot.
5. The variance requested is available to those similarly situated and are able to receive similar treatment.

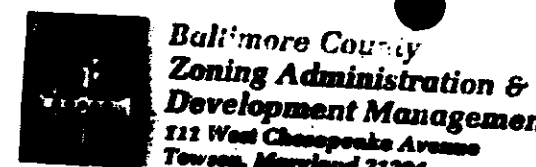
93-132-A 143 ZONING DESCRIPTION FOR 9223 SANDRA PARK ROAD

Beginning at a point on the east side of Sandra Park Road which is fifty feet (50') wide at a distance of approximately forty seven feet (47') of the centerline of the nearest intersecting street Sandra Lake Road, which is fifty feet (50') wide.

Being Lot 3, Block D, Section 1 in the subdivision of Perry Hall Village as recorded in Baltimore County Plat Book 34, Folio 061 containing approximately 9,555 square feet, also known as 9223 Sandra Park Road located in the 11th Election District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District: 11th Date of Posting: 11/1/92
Posted for: Variance
Petitioner: Nick & Koula Proakis
Location of property: 9223 Sandra Park Rd, Perry Hall, MD 21128
Location of Sign: Along road along E.W. property being zoned
Remarks: None
Posted by: LES Date of return: 11/1/92
Number of Signs: 1



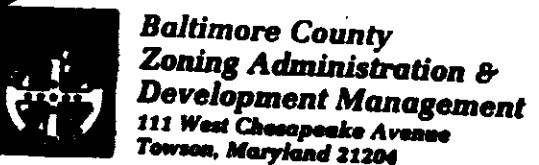
93-132-A

receipt

Date: 10-23-92
Nick J. Proakis
9223 Sandra Park Rd.
(21128)

Residential Variance (Administrative) Filing fee \$50.00
Signposting \$5.00
85.00

Please Make Checks Payable To: Baltimore County



93-132-A

receipt

PAID PER HAND-WRITTEN RECEIPT DATED 10/23/92

	QTY	PRICE
PUBLIC HEARING FEES		
010 - ZONING VARIANCE (IRL)	1 X	\$50.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$35.00
LAST NAME OF OWNER: PROAKIS	TOTAL:	\$85.00

Please Make Checks Payable To: Baltimore County

Mr. and Mrs. Nick J. Proakis
9223 Sandra Park Road
Perry Hall, MD 21128

RE: Case No. 93-132-A, Item No. 143
Petitioner: Nick J. Proakis, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Proakis:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this 23rd day of October, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richardson
Chairman,
Zoning Plans Advisory Committee

Petitioner: Nick J. Proakis, et ux
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services) Development Review Committee Response Form			
Authorized signature	<i>Dennis D. Ramsey</i>	Date	11/9/92
Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Steven and Nadine Mosgin	129	11-2-92	NC
DED DEPRM RP STP TE			
Edward L. And Linda M. Gittings	134		comment
DED DEPRM RP STP TE			
✓ Kathleen Gaiser	135		NC
DED DEPRM RP STE RP			
Charles E. Anderson	136		comment
DED DEPRM RP STP TE			
✓ Richard E. Shetrone Jay E. Boyd	137		NC
DED DEPRM RP STP TE			
Fred C. and Soung O. Yoo	138		comment
DED DEPRM RP STP TE			
✓ John and Barbara Taylor	139		NC
DED DEPRM RP STP TE			
✓ Jose and Janice S. Lopez	141		NC
DED DEPRM RP STP TE			
✓ Russell L. Elliott	142		NC
DED DEPRM RP STP TE			
✓ Nick J. and Koula I. Proakis	143		NC
DED DEPRM RP STP TE			
✓ Daniel T. and Sharon L. Wolfrey	144		NC
DED DEPRM RP STP TE			
✓ Mark N. and Deborah A. Cleaver	145		NC
DED DEPRM RP STP TE			

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: #143 (333)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David N. Ramsey 10/31/92
John Contestabile, Chief
Engineering Access Permits
Division

Rec'd 11/5/92

My telephone number is

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 5, 1992

FROM: Ervin McDaniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
(November 2, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):

Steven and Nadine Mosgin, Item No. 129
Kathleen Gaiser, Item No. 135
Richard Shetrone and Jay Boyd, Item No. 137
John and Barbara Taylor, Item No. 139
Jose & Janice Lopez, Item No. 141
Nick and Koula Proakis, Item No. 143
Daniel and Sharon Wolfrey, Item No. 144
Mark and Deborah Cleaver, Item No. 145
Mike and Patricia Siano, Item No. 146
Randall and Dorothy Pettie, Item No. 147

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Ervin McDaniel*

ENC/PM:rdn

129.ZAC/ZAC1

DPW/Traffic Engineering Development Review Committee Response Form			
Authorized signature	<i>Arnold Jablon</i>	Date	11/9/92
Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Steven and Nadine Mosgin	129	11-2-92	NC
DED DEPRM RP STP TE			
✓ Edward L. And Linda M. Gittings	134		MT
DED DEPRM RP STP TE			
✓ Kathleen Gaiser	135		NC
DED DEPRM RP STE RP			
✓ Charles E. Anderson	136		NC
DED DEPRM RP STP TE			
✓ Richard E. Shetrone Jay E. Boyd	137		NC
DED DEPRM RP STP TE			
✓ Fred C. and Soung O. Yoo	138		NC
DED DEPRM RP STP TE			
✓ John and Barbara Taylor	139		NC
DED DEPRM RP STP TE			
✓ Jose and Janice S. Lopez	141		NC
DED DEPRM RP STP TE			
✓ Russell L. Elliott	142		NC
DED DEPRM RP STP TE			
✓ Nick J. and Koula I. Proakis	143		NC
DED DEPRM RP STP TE			
✓ Daniel T. and Sharon L. Wolfrey	144		NC
DED DEPRM RP STP TE			
✓ Mark N. and Deborah A. Cleaver	145		NC
DED DEPRM RP STP TE			

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

NOVEMBER 16, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: NICK J. PROAKIS AND KOULA I. PROAKIS
Location: #9223 SANDRA PARK ROAD
Item No.: #143(JJ8) Zoning Agenda: NOVEMBER 2, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jerry Gifer* Noted and Approved
Planning/Grub Fire Prevention Bureau
Special Inspection Division

JP/KEK

Rec'd 11/18/92

93-132-A 11-16 BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 25, 1992

FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item #143
9223 Sandra Park Road
Zoning Advisory Committee Meeting of November 2, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LP:sp

SANDRA/TXTSBP

Rec'd 11/25/92

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

OCT. 29 1992 (410) 887-3353

Rich and Ennis Promble
9223 Sandra Park Road
Perry Hall, Maryland 21128

Re: CASE #92-132-A
LOCATION: 52 1/2 Sandra Park Road, 47' SW of c/l Sandra Lake Road
9223 Sandra Park Road
11th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before November 1, 1992. The closing date is November 16, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

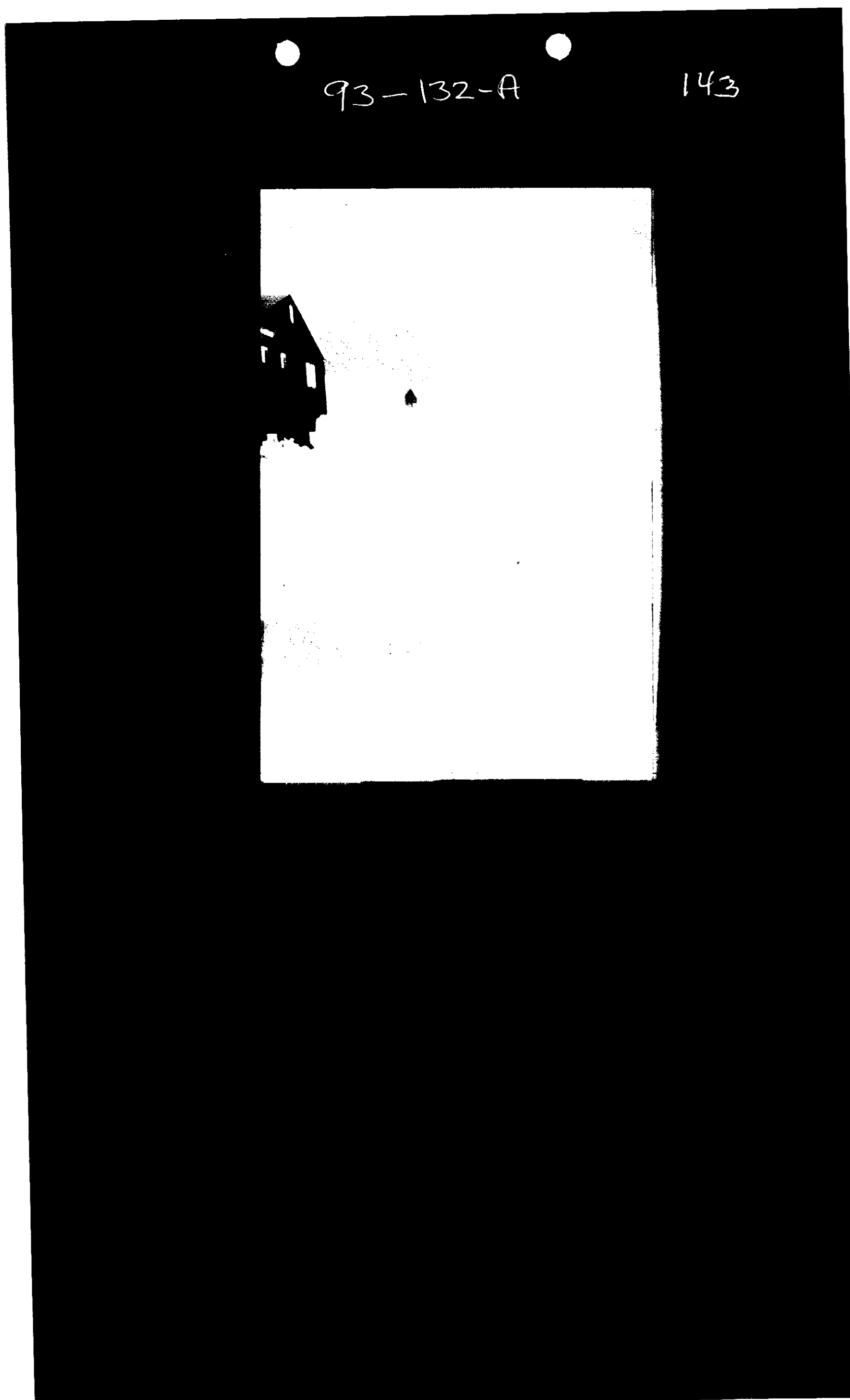
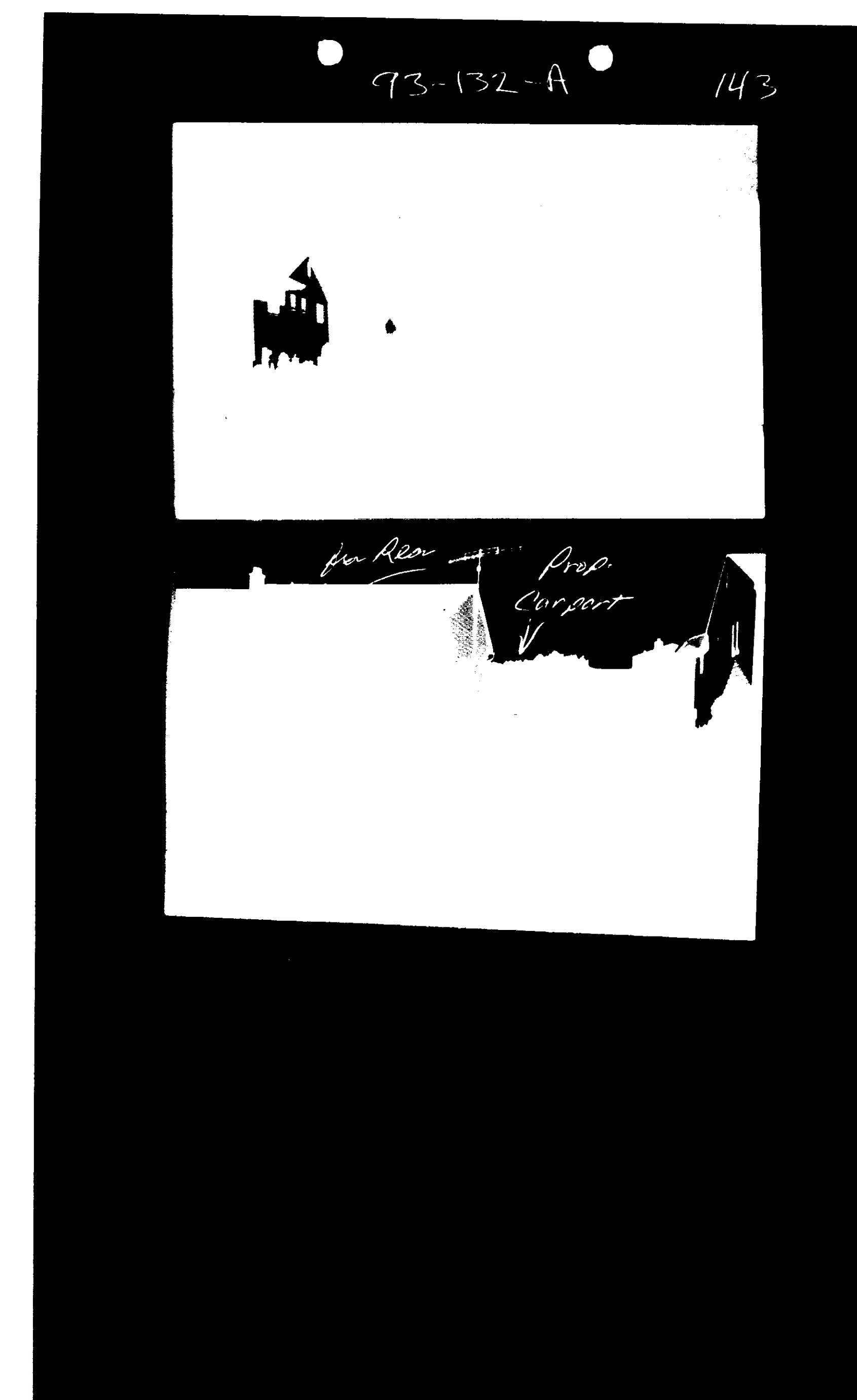
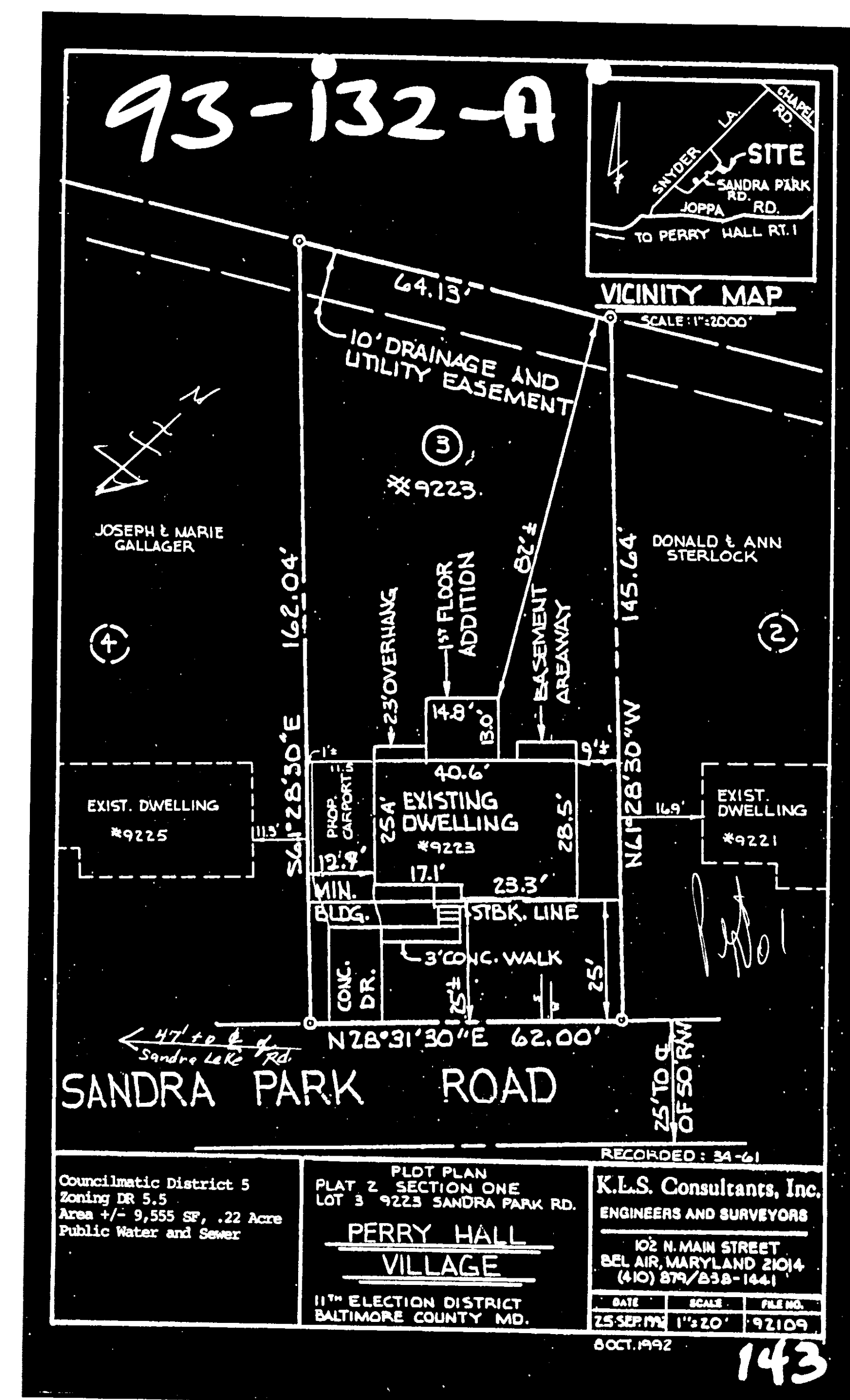
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

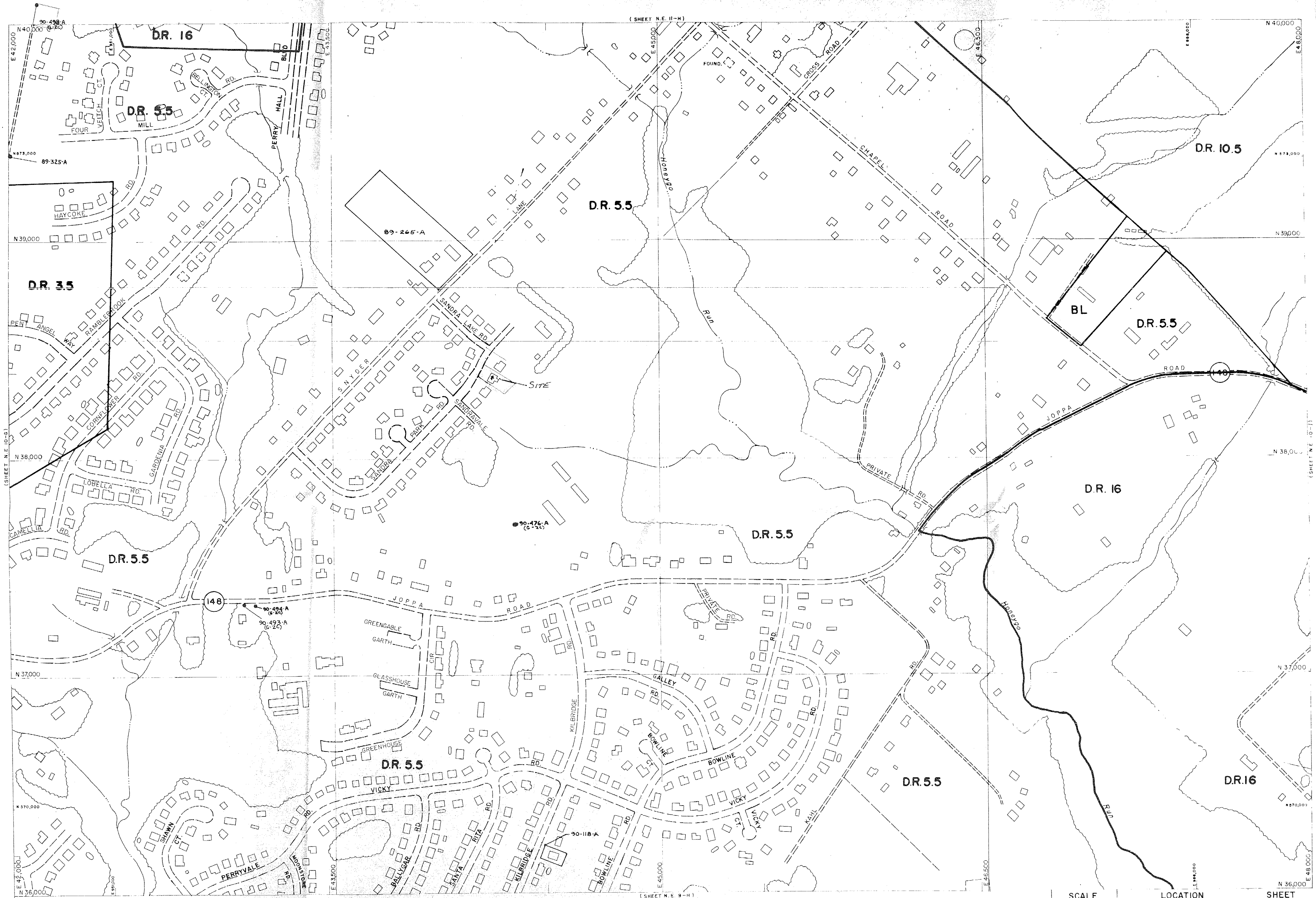
93-132-A 143

To Whom It May Concern:

I am a neighbor of the Nick Brookes family, who are interested in building a carport between our houses. I have absolutely no objection to the building of the carport.

Joseph J. Gallagher
19225 Sandra Park Rd
Perry Hall, Md 21128





M - NW M - NE
Q - SW Q - SE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
John T. Volk
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
PERRY HALL
VICINITY
143
SHEET
N.E.
10-H

93-132-A